

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 APR 4 AM 10:06
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
08 MJ 1034

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francisco Javier MEDINA- Moreno

Defendant

)
) BY: Magistrate Case No. _____
)

COMPLAINT FOR VIOLATION OF

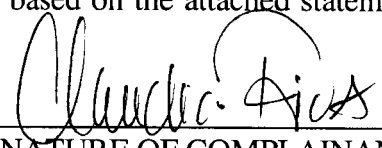
Title 8, U.S.C., Section 1326

) Attempted Entry After
) Deportation
)

The undersigned complainant being duly sworn states:

On or about **April 2, 2008** within the Southern District of California, defendant **Francisco Javier MEDINA -Moreno**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Claudia Rios, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **4th** DAY OF **April**,
2008.



UNITED STATES MAGISTRATE JUDGE

ALSAK

PROBABLE CAUSE STATEMENT

On April 2, 2008 at approximately 2112 hours, a gold in color 1998 Chevy Malibu approached vehicle primary lane #13 at the San Ysidro Port of Entry. The driver, later identified as Jose Manuel Gaxiola -Valenzuela, presented a USA B1/B2 VISA/BCC (DSP-150) bearing the name Alfonso Vazquez. The driver made application for admission into the United States as the driver and sole visible occupant. A Customs and Border Protection (CBP) Officer received a negative declaration from the driver and suspected the driver to be an impostor to the document presented. The CBP Officer conducted a cursory inspection on the vehicle and noticed several individuals hidden in the trunk area. One of the individuals, **Francisco Javier MEDINA-Moreno (Defendant)** attempted to enter the United States concealed in the trunk area of the vehicle. The vehicle and all occupants were escorted to secondary for further inquiries.

During secondary inspection, a CBP Officer queried Defendant's fingerprints in the Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT). The officer received a positive match, confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration records indicate that Defendant is a citizen of Mexico, without any rights or entitlements to either; enter, pass through, or reside in the United States.

Further queries in the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed that on or about February 3, 2000 Defendant was ordered removed from the United States to Mexico by an Immigration Judge. Defendant was last physically removed from the United States on August 1, 2007. Immigration records indicate the Defendant has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.